

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

JUN - 4 2015

DAVID ALBERTO LOVO LARA
5335 Duke Street
Apt. 306
Alexandria, Virginia 22304

ROSA MANUELA LOBOS MORALES
5335 Duke Street
Apt. 306
Alexandria, Virginia 22304

ELOIDA MARIELA ROMERO DE AGUILAR
515 Kingley Road
Vienna, Virginia 22180

RAFAEL PARADA PORTILLO
2334 Freetown Court
Apt. 12C
Reston, Virginia 20191

Plaintiffs,

v.

SWEET LEAF TWO, INC.
8416 Sparger Street
McLean, Virginia 22102

Serve: Resident Agent
MEHRDAD MATINI
8416 Sparger Street
McLean, Virginia 22102

Defendant.

Civil Action No. 1:15-CV-704
(JCC/TCB)

COMPLAINT

Plaintiffs, David Alberto Lovo Lara, Rosa Manuela Lobos Morales, Eloida Mariela Romero de Aguilar and Rafael Parada Portillo ("Plaintiffs"), by and through their attorneys, Mary Craine Lombardo and Stein Sperling Bennett De Jong Driscoll PC, hereby file this

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Complaint against Defendant Sweet Leaf Two, Inc. ("Defendant"), under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201, *et seq.* ("FLSA"), stating as follows:

INTRODUCTION

Plaintiffs worked for Defendant as cashiers, food preparers, and dishwashers. At all times Plaintiffs were paid the same regular hourly rates for all hours worked. They worked hours in excess of forty hours per week and was not paid at the overtime rate of one and a half times their regular hourly rates as required by federal law. Defendant has willfully violated the clear and well-established overtime provisions of the FLSA. Plaintiffs seek compensatory and statutory damages for all unpaid overtime compensation, as well as attorneys' fees and costs.

JURISDICTION & VENUE

1. This Court has subject matter jurisdiction over the causes of action alleged in this Complaint pursuant to 28 U.S.C. §§ 1331 and 1367, and 29 U.S.C. § 216.
2. Venue is proper pursuant to 28 U.S.C. § 1391.

PARTIES

3. Plaintiffs are adult residents of Virginia.
4. Defendant Sweet Leaf Two, Inc. is a Virginia corporation.
5. At all times material herein, Defendant, in the aggregate and as a single enterprise, had annual gross volume of sales made or business done in an amount exceeding \$500,000.
6. Defendant is an "employer" within the meaning of the FLSA.
7. Defendant has at least two or more employees who are engaged in commerce, handle, sell or otherwise work on goods or materials that have moved in or were produced for

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commerce. Defendant negotiates and purchases from producers and suppliers who operate in interstate commerce and serve customers in interstate commerce.

8. At all times relevant, Defendant constituted an “enterprise” within the meaning of 29 U.S.C. § 203(r).

FACTS

9. Plaintiffs were employed by Defendant as cashiers, food preparers, and dishwashers.

10. Plaintiff David Alberto Lovo Lara was employed by Defendant from September 1, 2010 through February 13, 2015.

11. Plaintiff David Alberto Lovo Lara was paid at a regular hourly rate of \$10.00 in 2012 and \$13.00 for the remainder of his employment with Defendant.

12. Plaintiff David Alberto Lovo Lara worked hours in excess of forty hours per week and was never compensated at the required overtime rate of one and one half times his regular hourly rate for those hours worked over forty hours per week.

13. Plaintiff David Alberto Lovo Lara is owed approximately \$20,130.00 in unpaid overtime wages.

14. Plaintiff Rosa Manuela Lobos Morales was employed by Defendant from January 3, 2014 through February 13, 2015.

15. Plaintiff Rosa Manuela Lobos Morales was paid at two regular hourly rates while employed by Defendant. From January 3, 2014 through June 4, 2014, she was paid at a regular hourly rate of \$9.00 and from June 5, 2014 through February 13, 2015, she was paid at a regular hourly rate of \$10.00.

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16. Plaintiff Rosa Manuela Lobo Lara worked hours in excess of forty hours per week and was never compensated at the required overtime rate of one and one half times her regular hourly rate for those hours worked over forty hours per week.

17. Plaintiff Rosa Manuela Lobo Lara is owed approximately \$3,324.00 in unpaid overtime wages.

18. Plaintiff Eloida Mariela Romero de Aguilar was employed by Defendant from May 2, 2014 through February 20, 2015.

19. Plaintiff Eloida Mariela Romero de Aguilar was paid at two regular hourly rates while employed by Defendant. In 2014 she was paid at a regular hourly rate of \$9.00 and in 2015 she was paid at a regular hourly rate of \$10.00.

20. Plaintiff Eloida Mariela Romero de Aguilar worked hours in excess of forty hours per week and was never compensated at the required overtime rate of one and one half times her regular hourly rate for those hours worked over forty hours per week.

21. Plaintiff Eloida Mariela Romero de Aguilar is owed approximately \$531.00 in unpaid overtime wages.

22. Plaintiff Rafael Parada Portillo was employed by Defendant from September 1, 2013 through February 13, 2015.

23. Plaintiff Rafael Parada Portillo was paid at a regular hourly rate of \$9.00 throughout his employment with Defendant.

24. Plaintiff Rafael Parada Portillo worked hours in excess of forty hours per week and was never compensated at the required overtime rate of one and one half times his regular hourly rate for those hours worked over forty hours per week.

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25. Plaintiff Rafael Parada Portillo is owed approximately \$4,518.00 in unpaid overtime wages.

26. Plaintiffs are owed overtime wages that Defendant willfully failed and refused to pay to Plaintiffs in violation of federal law.

27. Federal law requires that "Every employer employing any employees subject to the Act's minimum wage provisions shall post and keep posted a notice explaining the Act, as prescribed by the Wage and Hour Division, in conspicuous places in every establishment where such employees are employed so as to permit them to observe readily a copy." *See* 29 C.F.R. § 516.4.

28. Defendant failed to post the required statutory FLSA notice.

29. By statute, Defendant is required to maintain records which document the wages, hours and other conditions of employment. 29 U.S.C. §211(c).

30. The precise number of hours worked and wages owed should be revealed through discovery.

31. Defendant knowingly and intentionally violated Plaintiffs' rights under federal law.

COUNT I (FLSA)

32. Plaintiffs adopt herein by reference paragraphs 1 through 31 above as if fully set forth herein.

33. Defendant was required to pay Plaintiffs compensation at the rate of one and a half times their regular hourly rates for all hours worked in excess of forty hours per week. *See* 29 U.S.C. § 207(a)(2).

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34. Throughout the Employment Period, Defendant failed to compensate Plaintiffs at the rate of one and a half times their regular hourly rates for all hours worked in excess of forty hours per week.

35. Defendant's actions complained of herein constitute a willful violation of Section 207 of the FLSA.


36. Defendant's violation makes it liable to Plaintiffs for all unpaid overtime compensation, and an additional equal amount as liquidated damages.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter judgment against Defendant in their favor in an amount to be determined at trial, but not less than \$57,006.00 which is two times the total overtime compensation owed, to grant Plaintiffs their reasonable attorneys' fees and costs, and such other and further relief as the Court deems just and proper.

Respectfully submitted,

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By:


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